

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

MDL No. 2323
No. 12-md-2323-AB

THIS DOCUMENT RELATES TO:

CIVIL ACTION
Case No. 2:12-cv-1025

DAVE PEAR, et al.

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

**RIDDELL DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT; EXHIBIT "A"**

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13 SPORTS CORPORATION; RIDDELL SPORTS GROUP, INC.;
14 EASTON-BELL SPORTS, INC.; EASTON-BELL SPORTS, LLC;
15 EB SPORTS CORP.; and RBG HOLDINGS CORP.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVE PEAR, et al.,

Plaintiffs,

vs.

NATIONAL FOOTBALL LEAGUE, et
al.,

Defendants.

CASE NO.: CV 11-8395 R (MANx)

**RIDDELL DEFENDANTS' REPLY IN
SUPPORT OF MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT; EXHIBIT "A"**

Date: February 6, 2012

Time: 10:00 a.m.

Dept: Courtroom 8

Judge: Hon. Manuel L. Real

Notice of related cases:

No. CV 11-08394 R (MANx)

No. CV 11-08396 R (MANx)

1 Defendants Riddell, Inc. (erroneously styled as “d/b/a Riddell Sports Group,
2 Inc.”); All American Sports Corporation; Riddell Sports Group, Inc.; Easton-Bell
3 Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and RBG Holdings Corp.
4 (collectively, the “Riddell Defendants”)¹, pursuant to L.R. 7-10, submit this reply
5 in response to Plaintiffs’ opposition and in support of the Riddell Defendants’
6 Motion to Dismiss Plaintiffs’ First Amended Complaint. Riddell Defendants refer
7 this Court to their Reply Memorandum of Points and Authorities in Support of
8 Motion to Dismiss Plaintiffs’ Amended Complaints Pursuant to Rules 8 and
9 12(b)(6) filed in the related case, *Vernon Maxwell, et al. v. National Football*
10 *League, et al.* (Case No. 11-8394 R (MANx)), on January 23, 2012, since the *Pear*
11 *action is largely identical to the Maxwell action. The Riddell Defendants*
12 *incorporate that memorandum and those arguments from Maxwell as if made fully*
13 *herein, except as specifically noted therein.*²

14 For the reasons stated in the attached memorandum and in their opening
15 memorandum, the Riddell Defendants respectfully request that the Court dismiss
16 Plaintiffs’ claims in their entirety against the Riddell Defendants with prejudice.

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22 ¹Referring to these Defendants collectively does not imply or concede that they are
23 properly joined or named as Defendants, and the “Riddell Defendants” reserve the
24 right to move to dismiss some or all of them. The collective reference is merely
25 for convenience.

26 ² A true and correct copy of the Riddell Defendants’ Reply Memorandum of Points
27 and Authorities in Support of Motion to Dismiss Plaintiffs’ Amended Complaints
28 Pursuant to Rules 8 and 12(b)(6) filed in the related case of *Vernon Maxwell, et al.*
v. National Football League, et al. (Case No. 11-8394 R (MANx)), on January 23,
2012, is attached hereto as Exhibit “A.”

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2 DATED: January 23, 2012

BOWMAN AND BROOKE LLP

3
4 By: /s/ Paul G. Cereghini
5 Paul G. Cereghini
6 Vincent Galvin
7 Marion V. Mauch
8 Attorneys for Defendants RIDDELL,
9 INC.; ALL AMERICAN SPORTS
10 CORPORATION; RIDDELL
11 SPORTS GROUP, INC.; EASTON-
12 BELL SPORTS, INC.; EASTON-
13 BELL SPORTS, LLC; EB SPORTS
14 CORP.; and RBG HOLDINGS
15 CORP.
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